

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 19-0115

VERSUS

JUDGE DONALD E. WALTER

MELISSA W. RICHARDSON

MAGISTRATE JUDGE HORNSBY

ORDER

Before the Court is Defendant Melissa W. Richardson's post-verdict Motion for Judgment of Acquittal and, Alternatively, Motion for New Trial under Federal Rules of Criminal Procedure 29 and 33. See Record Document 77. The Government opposes the motion. See Record Document 78.

Richardson was charged by indictment with twenty counts of acquiring controlled substances by fraud, in violation of 21 U.S.C. § 843(a)(3). See Record Document 1. Following a four-day jury trial, the jury returned a verdict of guilty on Counts 2-16 and not guilty as to Count 1.¹ A mistrial was declared as to Counts 17 and 18. See Record Documents 60-61.

On a motion for judgment of acquittal, the court must view the evidence in the light most favorable to the verdict and assume the truth of the evidence offered by the prosecution. See United States v. Robertson, 110 F.3d 1113, 1117 (5th Cir. 1997). A Rule 29 motion for judgment of acquittal may not be granted if "after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979) (citation omitted) (emphasis in original). The undersigned finds that, based on the evidence adduced at

¹ A motion for judgment of acquittal was granted by the Court as to Counts 19 and 20.

trial, the jury's verdict was reasonable. Accordingly, Richardson's motion for judgment of acquittal is **DENIED**.

A motion for new trial may be granted under Federal Rule of Criminal Procedure 33 if required in the interest of justice. See Fed. R. Crim. P. 33(a). Unlike a motion for acquittal, a court deciding a motion for new trial may weigh the evidence and assess witness credibility. See Robertson, 110 F.3d at 1117 (citation omitted). The undersigned finds that the interests of justice do not justify setting aside the verdict and granting a new trial. Accordingly, Richardson's motion for a new trial is also **DENIED**.

THUS DONE AND SIGNED in Shreveport, Louisiana, on this 25th day of February, 2020.



Donald E. Walter
DONALD E. WALTER
UNITED STATES DISTRICT JUDGE